

REMARKS

Claims 1-21 are pending in the application and presently stand rejected. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 102

1. Lewis et al.

The Examiner has rejected claims 1-21 as being clearly anticipated by Lewis et al. Application submits herewith a Rule 1.132 Affidavit showing that subject matter disclosed but not claimed in Lewis et al. was derived from an inventor of this application and thus Lewis et al. is not an invention "by another".

2. Giroux et al.

The Examiner rejected claims 7-12 and 14-18, 20 and 21 under 35 USC 102 (e) as being anticipated by Giroux et al. Giroux et al. teaches an apparatus and a method for reducing surge pressure while running tubulars into a wellbore. (para.0015). The Examiner declined to give the preamble recitation "for cleaning excess cement" patentable weight. Therefore, to clarify the nature of the claimed invention, independent claims 7 and 18 have been amended to recite that fluid communication is provided after the completion string has been at least partially cemented in the wellbore. Giroux et al. expressly states that the described valve operates during running of the liner, *i.e.*, before the liner is cemented in place. Thus, Giroux et al. does not teach the claimed invention. Further, Giroux et al does not suggest the present invention because Giroux et al is directed to solving the problem of pressure surge while running liner—not excess cement removal. Because Giroux et al. does not teach or suggest claims 7 and 18, Applicant respectfully submits that claims 7 and 18 are in condition for allowance.

With respect to claims 8-12,14-17, 20 and 21, these claims depend from either claim 7 or 18, both of which are believed to be in condition for allowance. Thus, Applicant believes these claims are allowable on at least such grounds.

REJECTIONS UNDER 35 USC § 103

1. Giroux et al. in view of Ringgenberg

The Examiner rejected claims 13 and 19 as being unpatentable over Giroux et al. in view of Ringgenberg at al (6,230,811). The Examiner cited Ringgenberg only for its asserted teaching of a rupture disc in a flow passage to prevent fluid flow until a predetermined pressure has been reached.

Like Giroux et al., Ringgenberg does not teach or suggest a valve that provides fluid communication after the completion string in which the valve is disposed has been at least partially cemented in the wellbore. As noted above, claims 13 and 19 depend from claims that recite such a valve. Thus, these references even when combined are missing an element recited by claim 13 and 19 via their respective base claims. Thus, claims 13 and 19 are in condition for allowance.

2. French

The Examiner rejected claims 1,2,5,6 and 18-20 under 35 USC 103 (a) as being unpatentable over French (6,286,594). To Applicant's reading, French, like Giroux et al and Ringgenberg, does not teach or suggest a flowport valve that provides fluid communication after the completion string in which the valve is disposed has been at least partially cemented in the wellbore. Rather, French teaches a valve used on a test string that is tripped through a wellbore. Thus, French does not teach or suggest the invention claimed in claims 1,2,5,6 and 18-20. Accordingly, Applicant respectfully submits that claims 1,2,5,6 and 18-20 are in condition for allowance.

2. French in view of Ringgenberg

The Examiner rejected claims 1,3,5,6 and 18-20 as being unpatentable over French in view of Ringgenberg. As discussed above, Ringgenberg does not teach or suggest a valve that provides fluid communication after the completion string in which the valve is disposed has been at least partially cemented in the wellbore. Claims 1,3,5,6 and 18-20 recite such a valve or depend from a claim that recites such a valve. Thus, these references even when combined are missing an element recited by these claims. Thus, claims 1,3,5,6 and 18-20 are in condition for allowance.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0429 (284-36477-US).

Respectfully submitted,

Dated: December 20, 2005



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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner **William P. Nueder** via facsimile no. (571) 273-8300 on this 20th day of December 2005.


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